

IN THE WATER COURT OF THE STATE OF MONTANA
YELLOWSTONE DIVISION
SWEET GRASS - BASIN (43BV)

CLAIMANT: C9MT, LLC

CASE 43BV-0327-R-2023

43BV 116574-00
43BV 127354-00
43BV 136241-00
43BV 136242-00
43BV 136251-00
43BV 136252-00
43BV 136253-00
43BV 136254-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

1. C9MT, LLC is the record owner of claims 43BV 116574-00, 43BV 127354-00, 43BV 136241-00, 43BV 136242-00, 43BV 136251-00, 43BV 136252-00, 43BV 136253-00, and 43BV 136254-00.

2. Claims 43BV 116574-00, 43BV 127354-00, 43BV 136241-00, 43BV 136242-00, 43BV 136251-00, 43BV 136252-00, 43BV 136253-00, and 43BV 136254-00 were decreed with DNRC issue remarks that were not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Section 85-2-248, MCA.

3. No objections were filed to the claims in this Case.

43BV 116574-00:

4. Claim 43BV 116574-00 was decreed with the following issue remark:

ALTHOUGH NOT OBJECTED TO, THE POINT OF DIVERSION HAS BEEN CORRECTED AT THE REQUEST OF THE CLAIMANT. THIS MAY BE HEARD AT THE PRELIMINARY DECREE STAGE.

5. The issue remark is a notice-type issue remark. No objections were filed, no further proceedings are needed.

43BV 127354-00:

6. Claim 43BV 127354-00 was decreed with the following issue remarks:

ALTHOUGH NOT OBJECTED TO, THE VOLUME HAS BEEN CHANGED AS SPECIFIED BY THE AFFIDAVIT FILED BY THE CLAIMANT. THIS MAY BE HEARD AT THE PRELIMINARY DECREE STAGE.
DITCH NAME AND MEANS OF DIVERSION WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 589.05 ACRE-FEET PER YEAR.

7. The first and second issue remark decreed on claim 43BV 127354-00 are notice-type issue remarks. No objections were filed, no further proceedings are needed.

8. The existence of the volume issue remark decreed on claim 43BV 127354-00 without further evidence does not overcome the prima facie Statement of Claim.

43BV 136241-00:

9. Claim 43BV 136241-00 was decreed with the following issue remarks:

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SWEET GRASS CREEK WITH A PRIORITY DATE PREDATING CASE NO. 342 , SWEET GRASS COUNTY.

10. The first issue remark decreed on claim 43BV 136241-00 is a notice-type issue remark.

11. The second issue remark decreed on claim 43BV 136241-00 provides information questioning the priority date. No objections were filed.

43BV 136242-00:

12. Claim 43BV 136242-00 was decreed with the following issue remark:

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON SWEET GRASS CREEK WITH A PRIORITY DATE PREDATING CASE NO. 342 , SWEET GRASS COUNTY.

13. The only issue remark decreed on claim 43BV 136242-00 provides information questioning the priority date. No objections were filed.

43BV 136251-00:

14. Claim 43BV 136251-00 was decreed with the following issue remarks:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 490.88 ACRE-FEET PER YEAR.

15. The first issue remark decreed on claim 43BV 13651-00 is a notice-type issue remark. No objections were filed, and no further proceedings are needed.

16. The existence of the volume issue remark decreed on claim 43BV 136251-00 does not overcome the prima facie Statement of Claim.

43BV 136252-00:

17. Claim 43BV 136252-00 was decreed with the following issue remarks:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 458.17 ACRE-FEET PER YEAR.

18. The first issue remark decreed on claim 43BV 136252-00 is a notice-type issue remark. No objections were filed, and no further proceedings are needed.

19. The existence of the volume issue remark decreed on claim 43BV 136252-00 does not overcome the prima facie Statement of Claim.

43BV 136253-00:

20. Claim 43BV 136253-00 was decreed with the following issue remarks:

ALTHOUGH NOT OBJECTED TO, THE PLACE OF USE HAS BEEN CHANGED TO REFLECT THE REDUCTION IN ACRES IRRIGATED. THIS MAY BE HEARD AT THE PRELIMINARY DECREE STAGE.
DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

21. Both issue remarks decreed on claim 43BV 136253-00 are notice-type issue remarks. No objections were filed, and no further proceedings are needed.

43BV 136254-00:

22. Claim 43BV 136254-00 was decreed with the following issue remarks:

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.
THE CLAIMED VOLUME EXCEEDS THE MAXIMUM FEASIBLE VOLUME. BASED ON THE FLOW RATE AND PERIOD OF USE, THE MAXIMUM VOLUME POSSIBLE IS 1003.57 ACRE-FEET PER YEAR.

23. The first issue remark decreed on claim 43BV 136254-00 is a notice-type issue remark. No objections were filed, and no further proceedings are needed.

24. The existence of the volume issue remark decreed on claim 43BV 136254-00 without further evidence does not overcome the prima facie Statement of Claim.

PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court must address all issue remarks that appear on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right claims. Rule 19, W.R.Adj.R.; *Nelson v. Brooks*, 2014 MT 120, 375 Mont.86, 95, 329 P.3d 558, 564. An issue remark alone does not overcome the prima facie weight afforded the Statement of Claim.

3. The priority date issue remark decreed on claims 43BV 136241-00 and 43BV 136242-00 indicated that the claims were not included in Case No. 342, Sweet Grass County. The record does not indicate why claims 43BV 136241-00 and 43BV

136242-00 were not included in the Case. The lack of objections or notices of intent to appear indicates no other water users take issue with the priority date decreed on these claims. The priority date issue remark is not supported by evidence sufficient to overcome the prima facie proof afforded the priority date for the claims. The issue remark has provided notice to claimants and other water users, and the remark can be removed from the claims.

4. The notice-type issue remarks decreed on claims in this Case have served their purpose; as no objections were filed, no further proceedings are required.

RECOMMENDATION

1. The issue remarks should be removed from the claims in this Case with no changes to the elements of the claims.

Post Decree Abstracts are attached for review.

ELECTRONICALLY SIGNED AND DATED BELOW.

Service via USPS Mail:

C9MT, LLC
704 Otter Creek Rd.
Big Timber, MT 59011-7764

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 116574-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: JULY 1, 1912

Type of Historical Right: USE

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 9.00 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 307.40

***Source Name:** UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: SURFACE WATER

***Source Name:** WASTE & SEEPAGE, UNNAMED TRIBUTARY OF SWEET GRASS CREEK

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|--|-----------------|------------|------------|------------|------------|---------------|
| 1 | | SE | 23 | 4N | 14E | SWEET GRASS |
| *Source Name: WASTE & SEEPAGE, UNNAMED TRIBUTARY OF SWEET GRASS CREEK | | | | | | |
| Period of Diversion: APRIL 1 TO OCTOBER 31 | | | | | | |
| Diversion Means: DITCH | | | | | | |
| Ditch Name: DRIVDAHL DITCH | | | | | | |
| 2 | | NW | 25 | 4N | 14E | SWEET GRASS |
| *Source Name: UNNAMED TRIBUTARY OF SWEET GRASS CREEK | | | | | | |
| Period of Diversion: APRIL 1 TO OCTOBER 31 | | | | | | |
| Diversion Means: DITCH | | | | | | |
| 3 | | E2E2 | 25 | 4N | 14E | SWEET GRASS |
| *Source Name: UNNAMED TRIBUTARY OF SWEET GRASS CREEK | | | | | | |
| Period of Diversion: APRIL 1 TO OCTOBER 31 | | | | | | |
| Diversion Means: DITCH | | | | | | |
| 4 | | W2W2SW | 30 | 4N | 15E | SWEET GRASS |
| *Source Name: UNNAMED TRIBUTARY OF SWEET GRASS CREEK | | | | | | |
| Period of Diversion: APRIL 1 TO OCTOBER 31 | | | | | | |

Diversion Means: DITCH

Period of Use: APRIL 1 TO OCTOBER 31

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|---------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 132.40 | | NW | 32 | 4N | 15E | SWEET GRASS |
| 2 | 3.00 | | N2SW | 32 | 4N | 15E | SWEET GRASS |
| 3 | 22.00 | | N2SE | 32 | 4N | 15E | SWEET GRASS |
| 4 | 150.00 | | NE | 32 | 4N | 15E | SWEET GRASS |
| Total: | <u>307.40</u> | | | | | | |

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

116573-00

116574-00

116575-00

116576-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 127354-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: JUNE 2, 1883

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.50 CFS

***Volume:** 3,710.00 AC-FT

Climatic Area: 2 - MODERATELY HIGH

***Maximum Acres:** 929.00

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------------------------|----------------------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 9 | 4N | 14E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO OCTOBER 15 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | YOST DITCH | | | | | |
| 2 - SECONDARY | | SWSWNW | 18 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO OCTOBER 15 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | UPPER EAST SIDE YOST DITCH | | | | | |
| 3 - SECONDARY | | SWSENE | 20 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO OCTOBER 15 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | YOST DITCH | | | | | |
| 4 - SECONDARY | | NWNESE | 20 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO OCTOBER 15 | | | | | |
| Diversion Means: | HEADGATE | | | | | |
| Ditch Name: | YOST DITCH | | | | | |
| 5 - SECONDARY | | NESENE | 19 | 4N | 15E | SWEET GRASS |
| Period of Diversion: | APRIL 1 TO OCTOBER 15 | | | | | |

Diversion Means: HEADGATE
Ditch Name: YOST DITCH

WATER DIVERTED FROM SWEET GRASS CREEK IS CONVEYED TO CAYUSE CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2, 3, 4, AND 5.

Period of Use: APRIL 1 TO OCTOBER 15

***Place of Use:**

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|---------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 49.00 | | N2NE | 19 | 4N | 15E | SWEET GRASS |
| 2 | 95.00 | | NW | 20 | 4N | 15E | SWEET GRASS |
| 3 | 62.00 | | NE | 20 | 4N | 15E | SWEET GRASS |
| 4 | 145.00 | | SE | 20 | 4N | 15E | SWEET GRASS |
| 5 | 115.00 | | S2 | 21 | 4N | 15E | SWEET GRASS |
| 6 | 132.00 | | NW | 28 | 4N | 15E | SWEET GRASS |
| 7 | 79.00 | | NE | 28 | 4N | 15E | SWEET GRASS |
| 8 | 54.00 | | N2SE | 28 | 4N | 15E | SWEET GRASS |
| 9 | 40.00 | | N2SW | 28 | 4N | 15E | SWEET GRASS |
| 10 | 88.00 | | NE | 29 | 4N | 15E | SWEET GRASS |
| 11 | 70.00 | | S2N2 | 21 | 4N | 15E | SWEET GRASS |
| Total: | 929.00 | | | | | | |

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

| | | | | | |
|-----------|-----------|-----------|-----------|-----------|-----------|
| 127353-00 | 127354-00 | 127355-00 | 127356-00 | 127357-00 | 127358-00 |
| 127363-00 | 127364-00 | | | | |

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 136241-00 STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: JULY 1, 1912

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NWNWSE | 23 | 4N | 14E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: DITCH

Ditch Name: DRIVDAHL DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | S2N2 | 33 | 4N | 15E | SWEET GRASS |

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 136242-00 STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: SEPTEMBER 1, 1888

Type of Historical Right: USE

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 9 | 4N | 14E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: DITCH

Ditch Name: YOST DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | | S2NWNE | 19 | 4N | 15E | SWEET GRASS |
| 2 | | | S2NE | 19 | 4N | 15E | SWEET GRASS |
| 3 | | | SE | 19 | 4N | 15E | SWEET GRASS |
| 4 | | | SWNW | 20 | 4N | 15E | SWEET GRASS |
| 5 | | | SW | 20 | 4N | 15E | SWEET GRASS |
| 6 | | | N2NW | 29 | 4N | 15E | SWEET GRASS |
| 7 | | | S2SENE | 29 | 4N | 15E | SWEET GRASS |
| 8 | | | W2SWNE | 29 | 4N | 15E | SWEET GRASS |

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 136251-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: SEPTEMBER 21, 1889

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

***Volume:** 846.33 AC-FT

Climatic Area: 3 - MODERATE

***Maximum Acres:** 210.00

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 9 | 4N | 14E | SWEET GRASS |

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

| | | | | | | |
|---------------|--|--------|----|----|-----|-------------|
| 2 - SECONDARY | | NESENE | 19 | 4N | 15E | SWEET GRASS |
|---------------|--|--------|----|----|-----|-------------|

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

WATER DIVERTED FROM SWEET GRASS CREEK IS CONVEYED TO CAYUSE CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2.

Period of Use: APRIL 1 TO OCTOBER 15

***Place of Use:**

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 80.00 | | SW | 20 | 4N | 15E | SWEET GRASS |
| 2 | 5.00 | | SWSWSE | 20 | 4N | 15E | SWEET GRASS |
| 3 | 28.00 | | NENW | 29 | 4N | 15E | SWEET GRASS |
| 4 | 19.00 | | SWNE | 19 | 4N | 15E | SWEET GRASS |
| 5 | 78.00 | | SE | 19 | 4N | 15E | SWEET GRASS |

Total: 210.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

136250-00

136251-00

136252-00

136254-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 136252-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: SEPTEMBER 1, 1888

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

***Volume:** 787.68 AC-FT

Climatic Area: 3 - MODERATE

***Maximum Acres:** 210.00

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 9 | 4N | 14E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

| | | | | | | |
|---------------|--|--------|----|----|-----|-------------|
| 2 - SECONDARY | | NESENE | 19 | 4N | 15E | SWEET GRASS |
|---------------|--|--------|----|----|-----|-------------|

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

WATER DIVERTED FROM SWEET GRASS CREEK IS CONVEYED TO CAYUSE CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2.

Period of Use: APRIL 15 TO OCTOBER 15

***Place of Use:**

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 80.00 | | SW | 20 | 4N | 15E | SWEET GRASS |
| 2 | 5.00 | | SWSWSE | 20 | 4N | 15E | SWEET GRASS |
| 3 | 28.00 | | NENW | 29 | 4N | 15E | SWEET GRASS |
| 4 | 19.00 | | SWNE | 19 | 4N | 15E | SWEET GRASS |
| 5 | 78.00 | | SE | 19 | 4N | 15E | SWEET GRASS |

Total: 210.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

136250-00

136251-00

136252-00

136254-00

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 136253-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: JUNE 29, 1973

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 1.25 CFS

Volume: 390.00 AC-FT

Climatic Area: 3 - MODERATE

***Maximum Acres:** 48.00

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 9 | 4N | 14E | SWEET GRASS |

Period of Diversion: APRIL 1 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

Period of Use: APRIL 1 TO OCTOBER 15

***Place of Use:**

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|---------------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 48.00 | | SE | 19 | 4N | 15E | SWEET GRASS |
| Total: | 48.00 | | | | | | |

**POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
SWEET GRASS CREEK
BASIN 43BV**

Water Right Number: 43BV 136254-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: C9MT LLC
704 OTTER CREEK RD
BIG TIMBER, MT 59011 7764

Priority Date: JUNE 29, 1973

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

Flow Rate: 2.75 CFS

***Volume:** 1,419.82 AC-FT

Climatic Area: 3 - MODERATE

***Maximum Acres:** 210.00

Source Name: SWEET GRASS CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

| <u>ID</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | | NESWNE | 9 | 4N | 14E | SWEET GRASS |

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

| | | | | | | |
|---------------|--|--------|----|----|-----|-------------|
| 2 - SECONDARY | | NESENE | 19 | 4N | 15E | SWEET GRASS |
|---------------|--|--------|----|----|-----|-------------|

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: YOST DITCH

WATER DIVERTED FROM SWEET GRASS CREEK IS CONVEYED TO CAYUSE CREEK WHICH IS USED AS A NATURAL CARRIER TO SECONDARY POINT(S) OF DIVERSION, DIVERSION NO(S). 2.

Period of Use: APRIL 15 TO OCTOBER 15

***Place of Use:**

| <u>ID</u> | <u>Acres</u> | <u>Govt Lot</u> | <u>Qtr Sec</u> | <u>Sec</u> | <u>Twp</u> | <u>Rge</u> | <u>County</u> |
|-----------|--------------|-----------------|----------------|------------|------------|------------|---------------|
| 1 | 80.00 | | SW | 20 | 4N | 15E | SWEET GRASS |
| 2 | 5.00 | | SWSWSE | 20 | 4N | 15E | SWEET GRASS |
| 3 | 28.00 | | NENW | 29 | 4N | 15E | SWEET GRASS |
| 4 | 19.00 | | SWNE | 19 | 4N | 15E | SWEET GRASS |
| 5 | 78.00 | | SE | 19 | 4N | 15E | SWEET GRASS |

Total: 210.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

136250-00

136251-00

136252-00

136254-00